IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

FRIDAY, THE 29TH DECEMBER 2006 / 8TH POUSHA 1928

Bail Appl..No. 7490 of 2006(J)

CRMP.2490/2006 of DISTRICT COURT, KOTTAYAM
Crime No.280/06 of Kaduthuruthy Police Station

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: PETITIONER/ACCUSED NO.8

JAIMON K.S., S/O. JANARDHANAN,
KADALIMATTAMTHALACKAL, PADINJATTUMBHAGOM KARA,
ATHIRAMPUZHA VILLAGE, KOTTAYAM.

BY ADV. SRI.SOORAJ T.ELENJICKAL

RESPONDENT: STATE

STATE OF KERALA, THROUGH
SUB INSPECTOR OF POLICE, KADUTHURUTHY POLICE
STATION, REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 29/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

M.N.Krishnan, J.

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B.A.No.7490 of 2006

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Dated this the 29th day of December, 2006.

ORDER

This is an application for bail under Section 438 of Cr.P.C. The petitioner, who is the eighth accused, is also alleged to have committed offences under Sections 143, 147, 148, 341, 323, 506(2) and 306 read with Section 149 I.P.C.

2. The learned Sessions Judge, as per the order in Crl.M.P.No.2088 of 2006 granted anticipatory bail on 5th October, 2006. The petitioner was directed to surrender before court and seek for regular bail. But the petitioner did not comply with the direction and has now come forward with another application contending that he was laid up with hepatitis. I am not inclined to accept that contention.

3. A benefit that has been given to him has not been made use of by him. Therefore, the grant of anticipatory bail at this stage cannot be done in this case to circumvent the law and procedure. But

anyhow, the petitioner is at liberty to move the Sessions Court for regular bail on surrender and the learned Sessions Judge is directed to dispose of the application at the earliest, if possible on the same date on which it is filed and his refusal to abide the previous order shall not be a ground for rejecting his bail application.

This application is accordingly dismissed.

M.N.Krishnan,
Judge.

ess 29/12